



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,243	01/16/2001	Takaaki Maekawa	401021	1013

23548 7590 05/17/2004  
LEYDIG VOIT & MAYER, LTD  
700 THIRTEENTH ST. NW  
SUITE 300  
WASHINGTON, DC 20005-3960

EXAMINER

HARRELL, ROBERT B

ART UNIT PAPER NUMBER

2142

DATE MAILED: 05/17/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

2

## Office Action Summary

Application No.

09/759,243

Applicant(s)

MAEKAWA ET AL.

Examiner

Robert B. Harrell

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 16 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☒ Other: see attached Office Action.

Serial Number: 09/759,243  
Art Unit : 2142

1. Claims 1-14 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The textual portion of the specification is replete with grammatical and idiomatic errors to numerous to mention specifically. The specification should be fully revised carefully for content and form.
4. The drawings are objected to because they contain legal phraseology such as "means" which should not be used in the figures (i.e., figure 1 (34) et seq.) where the claims themselves call for a such "means" (eg., see figure 1 (line 16)) as the corresponding structure cannot be clearly ascertained. Replacement of terminology will remedy the objection to the drawings.
5. Use of active hyperlink and/or other forms of browser executable code is improper (see MPEP 608.01) and must be removed

Serial Number: 09/759,243  
Art Unit : 2142

(see page 20 as one example, all others must also be removed).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a); or

7. Claims 1-14 are rejected under 35 U.S.C. 102 (e) as being clearly anticipated by Bowman-Amuah (US 6,256,773 B1) for the reasons outlined below.

8. Per claim 1, Bowman-Amuah taught a software management system comprising a network system (eg., see col. 1 (line 27)) which included a center server (eg., see col. 1 (line 60)) and a local server (eg., see col. 1 (line 60)) connected to the center server via a wide-area network, wherein:

a) said center server included:

i) an application that operates upon being downloaded onto

Serial Number: 09/759,243

Art Unit : 2142

- the local server (eg., see col. 67 (lines 40-44));
  - ii) a script describing operation of the application (eg., see col. 57 (lines 45-47), col. 101 (lines 30-35)); and,
  - iii) fault countermeasure means (eg., see figure 13 (1312 (far left (75% up the figure) or the sixth number down the far left set of numbers)) for coping with occurrence of a fault (eg., see col. 108 (lines 40-45)); and,
- b) said local server includes:
- i) a network-directed language execution environment (JAVA as defined by the applicant on page 1 (line 15-16)) (eg., see col. 3 (line 51), and col. 8 (line 44-et seq.));
  - ii) remote management means for downloading the application from the center server, and for deleting the application after processing has finished (eg., see col. 67 (lines 40-44), and 94 (lines 18-27));
  - iii) script interpretation means for interpreting the script and for requesting the application to execute (eg., see col. 94 (line 65-et seq.)); and,
  - iv) highly reliable means for recording event data that occur while the application is being executed, for managing data when a fault has occurred, and for executing restoration processing (eg., see figure 13

Serial Number: 09/759,243  
Art Unit : 2142

(1358) as reported by the client side).

9. Per claim 2, such is the inherent downloading and execution of applications.

10. Per claims 3 and 4, JAVA is "event" driven and these limitations are inherent in JAVA.

11. Per claims 5-7, see figure 13 (1356).

12. Per claims 8-10, Bowman-Amuah stated servers and clients in the plural per col. 1 (lines 60-66).


10. Per claims 11-13, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above.

13. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (703) 305-9692. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (703) 308-9705. The fax phone numbers for the Group are (703) 746-7238 for After-Final, (703) 746-7239 for Official Papers, and (703) 746-7240 for Non-Official and Draft papers.

16. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

  
ROBERT B. HARRELL  
PRIMARY EXAMINER